

NOT FOR PUBLICATION

(Docket No. 4)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

DANA M. RUFFO,

Plaintiff,

v.

WAWA, INC., et al.,

Defendants.

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Civil No. 09-5264 (RBK / JS)

ORDER

THIS MATTER having come before the Court upon a motion by Defendant Wawa, Inc. (“Defendant”) to dismiss Count Three of the Complaint of Plaintiff Dana M. Ruffo for failure to state a claim upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6); and the Court having considered the submissions of the parties; and for the reasons expressed in an Opinion issued today;

IT IS HEREBY ORDERED that Defendant’s motion to dismiss Count Three of the Complaint is **GRANTED**.

Dated: 4-13-2010

/s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge